

Amendment under 37 CFR 1.111
Serial No. 10/030,098
Attorney Docket No. 011713

REMARKS

Claims 1 - 11 are pending in the present application. By this Amendment, the abstract and claims 1, 4, 5 and 7 - 11 have been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated February 15, 2005.

Specification Objections:

The Examiner objected to the abstract of the disclosure because it is greater than 150 words in length. However, the abstract has been amended to overcome the Examiner's objection. Accordingly, withdrawal of the objection to the abstract is respectfully requested.

Claim Objections:

Claims 1 - 11 are objected to due to a lack of compliance with a variety of informalities. However, claims 1, 4, 5 and 7 - 11 have been amended to overcome these various claim objections. Accordingly, withdrawal of these claims objection is respectfully requested.

Claim Rejections - 35 U.S.C. § 101

Claim 11 is rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully traversed.

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The Examiner argues that the method recited in claim 11 is not within the technological arts. It is further argued that the recitation of storage of information would be a trivial application of technology even if an electronic database were recited, since information can be stored in one's head.

However, claim 11 has been amended recite a network which is used in implementing the steps recited. Such a network is disclosed, for instance, at page 1, line 23 to page 2, and line 10. It is submitted that use of such a network is within the technological arts and is sufficient to render claim 11 patentable subject matter. Accordingly, withdrawal of this rejection is respectfully requested.

Claims Rejections – 35 U.S.C. § 102

Claims 1, 2, 4, 5, 7, 9, and 11 are rejected under 35 U.S.C. §102(e) as being anticipated by **Hulls et al.** (U.S. Patent Application Publication 2001/0032229).

This rejection is respectfully traversed.

Independent claims 1, 4, 7, 9, and 11 have each been amended to recite that the agent performs a “physical investigation” of a product. For example, the specification discloses such a physical investigation at page 6, lines 10-19.

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In **Hulls**, the agent appears to be involved in aiding buyers and sellers with listing and searching items for sale. In other words, the agent helps the buyer and seller to contact each other. Please see, for instance, abstract and paragraph [0031]. However, **Hulls** contains no disclosure or suggestion of an agent physically inspecting a product as disclosed in the specification. In fact, it is evident from Figure 1 of **Hulls** that the agent's only contact with other parties is electronic.

Accordingly, it is respectfully submitted that **Hulls** fails to anticipate the features of independent claims 1, 4, 7, 9, and 11, as amended, since **Hulls** fails to disclose or fairly suggest the a physical investigation of the product by an agent.

Claims Rejections – 35 U.S.C. § 103

Claims 3, 6, 8, and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Hulls** in further view of Official Notice.

This rejection is respectfully traversed.

The Examiner rejects these dependent claims on the basis of Official Notice directed towards the obviousness of designating a level of investigation, deadline for investigation, and the use of a computer-readable medium.

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However, applicants respectfully demand that the Examiner provide evidence to support his position regarding the taking of Official Notice. In addition, it is submitted that the Official Notice does not address a physical investigation. Moreover, it is submitted that dependent claims 3, 6, 8, and 10 are patentable due to their respective dependence on independent claims 1, 4, 7, 9, and 11.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

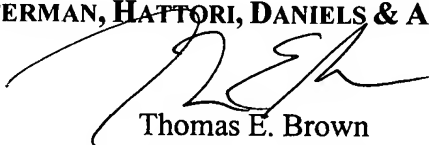
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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